

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43696 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating to FIR No.120 of 2016 pending on the file of the 3rd respondent Police Station, and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 498-A IPC and 4 of Dowry Prohibition Act (for short 'DP Act'). The petitioner is the first wife of one Kothuri Gangarajam (A1). The de facto complainant lodged the above complaint against the petitioner and A1 stating that A1 married her daughter as second wife with the consent of his first wife, and subsequently, the petitioner and A1 started harassing her daughter demanding additional dowry and A1 used to come to the house in a drunken state and used to beat her daughter, due to which, her daughter tried to commit suicide by pouring kerosene and set fire to herself. On the basis of the above complaint, the police registered FIR No.120 of 2016 for the offences under Sections 498-A IPC and 4 of D.P. Act. Thereafter, the daughter of the de facto complainant died. On receiving the information about the death of the daughter of the de facto complainant, the Section of law was altered to Section 304-B r/ w. 109 IPC.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against her and that there are no specific allegations against her that at her instigation only, A1 harassed the daughter of the de facto complainant and with a view to harass her, the present complaint is lodged.

The Assistant Government Pleader for Home submitted that on the basis of a complaint, the above case is registered against the petitioner and another and the respondent police are investigating the matter in accordance with law.

Considering the circumstances of the case, without going into the merits, this Court is inclined to pass the following order:

The 3rd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for her future appearance before the investigating officer as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

December 16, 2016.
KTL

RAJA ELANGO, J

